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TS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/351,723 07/12/99 WOHLSEN

R 1094

EXAMINER

WM01/0314

CHARLES E GOTTLIEB
540 UNIVERSITY AVENUE
SUITE 300
PALO ALTO CA 94301

AZAD, A

ART UNIT

PAPER NUMBER

2641

DATE MAILED:

03/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/351,723

Applicant(s)

WOHLSEN ET AL.

Examiner

ABUL K. AZAD

Art Unit

2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 July 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-3, 11-13, 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanevsky et al. (US 5,897,616).

As per claim 1, Kanevsky teaches, "a system for identifying a selected user from a first plurality of users," the system comprising:

"a first grammar extractor having a first input . . . corresponding identifier received at the first input" (col. 3, lines 21-33);

"a grammar storage . . . said identifier at the grammar storage input/output" (Fig. 4, element 108);

"a second grammar extractor having an input . . . the second utterance received at the second grammar extractor input" (col. 3, lines 33-41);

"a first recognizer . . . most closely matching the grammar received at the first second input" (col. 3, lines 21-51).

As per claim 2, Kanevsky teaches, "wherein the first utterance comprises a password of the one of the plurality of users, and the second utterance comprises a password of the user" (col. 4, lines 26-34).

As per claim 3, Kanevsky teaches, "wherein first grammar extractor is the second grammar extractor" (col. 4, lines 26-34).

As per claims 11-13 and 17-19, they have similar limitations as claims 1-3, so claims 11-13 and 17-19 are also rejected for the same reasons.

As per claim 14, Kanevsky teaches, "wherein the recognizing step comprises speaker independent voice recognition of the second utterance" (col. 3, lines 33-35, answer is speaker independent voice recognition).

As per claim 15, Kanevsky teaches, "wherein the recognizing step comprises speaker dependent voice recognition of the second utterance" (col. 3, lines 39-41, voice sample is speaker dependent voice recognition).

As per claim 16, Kanevsky teaches, "wherein the extracting the voiceprint step comprises extracting the voiceprint from the first utterance and the second utterance" (col. 4, lines 51-67).

As per claims 20-22, they have similar limitations as claim 14-16, so claims 20-22 are also rejected for the same reasons.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky et al. (US 5,897,616) as applied to claim 1 above.

As per claims 4-10, Kanevsky does not explicitly teach, "a third utterance uttered during second season, and the third utterance identifying a second plurality of users." However, Kanevsky teaches plurality of users. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a second recognizer, a third recognizer etc. to identify several plurality of users by using same method or system because of less memory required for a small group.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **William Korzuch**, can be reached at **(703) 305-6137**.

Any response to this action should be mailed to:

Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(703) 305-9508

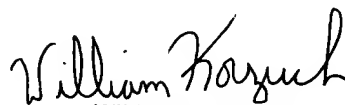
(For informal or draft communications, please label "PROPOSED" or "DRAFT")
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2641

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is **(703) 305-4700**.

Abul K. Azad

March 10, 2001


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800